

## **REMARKS**

### **Status of the Claims**

Claims 1-50 are pending in the above-identified application. Claims 1, 4, 15, 16, 25, 27, 28, 38, 40, 41, and 43-46 are amended. The amendments do not introduce new matter into the above-identified application. Support for the amendments is found throughout the specification. Specifically, support for the amendment to Claim 1 is found at page 25, lines 5-22 (paragraph [0175] of the instant published application). Support for the amendment to Claim 27 is found at page 18, lines 28-30 (paragraph [0134] of the instant published application). Support for the amendment to Claim 28 is found at page 20, lines 11-17 (paragraph [0143] of the instant published application). Among the amended claims, dependent Claims 4, 15, 16, and 40 are amended to correct typographical and/or nomenclature errors.

Originally, the instant application was filed with 7 independent claims. The Fee Transmittal for FY 2004 filed with the application incorrectly states that 6 independent claims were filed. Applicants request the PTO to verify that the correct filing fee for 7 independent claims was charged to Applicants. If not, the PTO is authorized to charge the deposit account as indicated on the "Conclusion" page below for the seventh independent claim.

### **Status of the Specification**

The typographical and nomenclature errors that appear in Claim 4 also appear in the specification, on page 23, lines 7-19 (paragraph [0163] of the instant published application). Applicants substituted this paragraph to correct these errors. The revisions to correct these errors introduce no new subject matter to this application. Likewise, the typographical error that appears in Claim 1 appears in the specification, on page page 3, line 19, (paragraph [0017] of the instant published application) and page 27, line 16, (paragraph [0191] of the instant published application). Applicants respectively substituted these paragraphs to correct this error.

### **Rejection Under Obviousness-Type Double Patenting**

Claims 1-50 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-31 of U. S. Patent No. 6,613,823 by Battiste et al. ("*Battiste* '823"). In view of the above amendments, this rejection is obviated.

Specifically, the PTO states that the rejection is made because "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because one of the possible compositions disclosed by the patent is the same as the composition taught by the instant application."

Independent Claim 1 of the present invention is amended to delete "optional" from the element "an inorganic base, Lewis base, or aliphatic amine." Independent Claims 38, 41, and 43-45 of the present invention are amended to delete "optional" from the element triisopropanol amine. Independent Claim 46 of the present invention is amended to add an additional element, triisopropanol amine. After the forgoing amendments, the present invention is patentably distinct from the claims of *Battiste* '823. Accordingly, Applicants assert that the rejection of Claims 1-50 under obviousness-type double patenting is obviated in view of the above amendments and respectfully request that the rejection be withdrawn.

Claims 1-50 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-29 of co-pending allowed U.S. Patent Application No. 10/322,247 or 2003/0158306 by Battiste et al. ("*Battiste* '306"). In view of the above amendments and for the reasons stated immediately above, Applicants assert that the rejection of Claims 1-50 under obviousness-type double patenting is obviated in view of the above amendments and respectfully request that the rejection be withdrawn..

### **The Rejections Under 35 U.S.C. § 102**

Claims 1-50 are rejected under 35 U.S.C. 102(b or e) as anticipated by or in the alternative, under 35 U. S. C 103(a) as obvious over Ishii et al. 5,250,593 ("*Ishii* '593"), Amos et al. 6,096,811 ("*Amos* '811"), Stevenson et al. 6,224,791 ("*Stevenson* '791"), Battiste et al. 6,613,823 ("*Battiste* '823"), Stein et al. 6,770,693 ("*Stein* '693"), Wick et al. 6,992,124 ("*Wick*

'124"), Battiste et al. 2003/0158306 or 10/322,247 ("*Battiste* '306") or De la Cruz et al. 2005/0288403 ("*Cruz* '403"). In view of the above amendments, Applicants respectfully assert that the rejection is obviated.

The PTO states "Ishii et al. disclose polyolefin, hindered phenol and applicants' phosphates in claim 1, hindered amines in claim 2, olefin homo- and copolymers in column 3, lines 25-40 and masterbatching ingredients together or separately in column 4, lines 46-57. The materbatched phosphates are equivalent of applicants' kit."

Applicants amended the rejected claims to remove optional from certain elements of the independent claims. There is no ingredient from *Ishii* '593 that is equivalent to the composition of the rejected claims.

Independent Claim 1 of the present invention is amended to delete "optional" from the element "an inorganic base, Lewis base, or aliphatic amine". Independent Claims 38, 41, 43-46 of the present invention are amended to delete "optional" from the element triisopropanol amine. Independent Claim 46 of the present invention is amended to add an additional component triisopropanol amine to Applicants' kit.

Accordingly, *Ishii* '593 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of Claims 1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Ishii* '593 be withdrawn.

The PTO states "Amos et al. teach polyolefin in claim 1, antioxidants in claim 13, phosphates, hindered phenols and light stabilizers in claims 14-15 and concentrations in claim 17." In view of the above amendments and the discussion provided above for *Ishii* '593, Applicants respectfully assert that *Amos* '811 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of Claims 1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Amos* '811 be withdrawn.

The PTO states “Stevenson et al. recite diphosphite and lactone in claim 1, triaryl phosphate in claim 4, hindered phenols in claims 5-6 and polyolefins in claim 10. UV absorbers and light stabilizers can be found in the paragraph overlapping columns 12 and 13. For different polyolefins see column 9, lines 35-59. The blend of stabilizers is applicants’ kit.” and “The contents of Stein et al. are similar to the contents of Stevenson et al.” In view of the above amendments and the discussion provided above for *Ishii* ‘593, Applicants respectfully assert that *Stevenson* ‘791 and/or *Stein* ‘693 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejections of Claims 1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Stevenson* ‘791 and *Stein* ‘693 be withdrawn.

The PTO states “Battiste et al. (‘823) reveal polyolefins, phosphites concentrations, catalysts, hindered phenols, water and pH in claims 1-31 and light stabilizers and UV absorbers from column 11, line 14, through column 12, line 13.” and “The contents of Battiste et al. (‘306) are similar to the contents of Battiste et al. (‘823).” In view of the above amendments and the discussion provided above for *Ishii* ‘593, Applicants respectfully assert that *Battiste* ‘823 or *Battiste* ‘306 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejections of Claims 1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Battiste* ‘823 and *Battiste* ‘306 be withdrawn.

The PTO states “Wick et al. divulge phosphites, hindered phenols and hindered amines in claims 1-4 and polyolefins in claims 5-6.” In view of the above amendments and the discussion provided above for *Ishii* ‘593, Applicants respectfully assert that *Wick* ‘124 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of Claims

1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Wick* '124 be withdrawn.

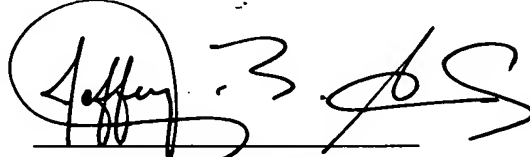
The PTO states "De la Cruz et al. display polypropylene, phenol antioxidants, a mixture of phosphate antioxidants and hindered amines in claims 1-11." In view of the above amendments and the discussion provided above for *Ishii* '593, Applicants respectfully assert that *Cruz* '403 does not teach or suggest all of the non-optional elements of the rejected claims. Moreover, the effect of the combination of the non-optional elements of the rejected claims is not obvious to one having ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of Claims 1-50 under 35 U.S.C. 102(b or e) or in the alternative, under 35 U. S. C 103(a) over *Cruz* '403 be withdrawn.

## CONCLUSION

In view of the above remarks, Applicants respectfully assert that the rejections of the claims as set forth in the Office Action have been addressed and overcome. Applicants further respectfully assert that all elected claims are in condition for allowance and request that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2433 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery B. Arnold", is written over a horizontal line. The signature is stylized with a large "J" and "A".

By: Jeffery B. Arnold  
Reg. No. 39,540

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Customer Number: **35395**  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
P.O. Box 7037  
Atlanta, Georgia 30357-0037  
Direct Telephone: (404) 879-2433  
Direct Facsimile: (404) 879-2933  
Firm Telephone: (404) 872-7000

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